

**To:** Kyle Barker[kyleb@spectrumglass.com]  
**From:** McClintock, Katie  
**Sent:** Fri 2/19/2016 3:32:06 AM  
**Subject:** RE: Information Request

Hi Kyle –

Sounds great to have the communication be directly with you. I'm sorry I forgot to ask that yesterday.

Let's see what you can pull together by tomorrow. A year is what I would need eventually in order to get an idea of longer term emissions and exposures to a community (standards are annual). There is certainly pressure to get a handle on that information as soon as possible and before the questions start coming from the outside. Specifically, to the purpose as I mentioned in the meeting, we are evaluating your facility for 3 things generally – 1) compliance with the permit, 2) compliance with all applicable regulations, and 3) ambient impacts from your facility. Although the information I requested can fall under more than one category, our critical task right now is looking at the 3<sup>rd</sup> question, and the data about your metals use is an essential first step to determine what if any more information is necessary (testing, etc). We still may need testing in order to assess impacts fully, but your usages allow us to quantify the potential issues and analyze what ambient concentrations might be using computer modeling.

Here is some information on our CBI process that might be helpful to see in writing:

The U.S. EPA regulations governing the receipt and handling of Confidential Business Information (CBI) are found in Title 40 of the Code of Federal Regulations (40 CFR) in Part 2, subpart B, 40 CFR §§ 2.201-2.215. Special rules governing CBI information obtained under various environmental statutes follow at 40 C.F.R. §§ 2.301-2.311 with § 2.301 being specific to CAA CBI.

In summary the regulations provide that when EPA requires a facility, like yours, to provide information to it, you are entitled to assert a claim of business confidentiality, covering all or any required information, in the manner described at 40 C.F.R. § 2.203(b).

This section explains that to assert a business confidentiality claim, you should place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential" at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event. Failure to furnish a business confidentiality claim with submitted information will be construed as a waiver of that claim, and the information may be made available to the public without further notice to you.

Information covered by a claim of business confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Act and 40 C.F.R. Part 2, subpart B. The regulations describe the procedure and the criteria that EPA will use to safeguard the information from unauthorized disclosure and to determine whether specific information is entitled to confidentiality. The regulations also provide that should EPA determine that information is not entitled to confidential treatment, the submitter of the information has the opportunity to challenge that decision prior to the information being released. Note that emission data, which includes information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of emission data, are not entitled to confidential treatment.

Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B.

My schedule tomorrow is such that I will only be able to come up around 1:00 tomorrow. I know that isn't very late in the day but I have meetings in the afternoon I can't miss. Please let me know if you can have records by then. We can then get more records next week if necessary.

Katie McClintock

Air Enforcement Officer

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**From:** Kyle Barker [mailto:kyleb@spectrumglass.com]

**Sent:** Thursday, February 18, 2016 5:23 PM

**To:** McClintock, Katie <McClintock.Katie@epa.gov>

**Subject:** Information Request

Katie,

Go to speak with you this morning, also I wanted to clarify that I will be the primary point of contact for any of your questions.

I'm working on pulling the information you requested together regarding the material charged by furnace. You had mentioned you wanted something by tomorrow, would a shorter data set work? Maybe January?

Also, so you can remind me again, exactly what is the purpose of this information request? We will be declaring this as CBI since the amounts and names of the materials do reveal trade secrets.

Thanks,

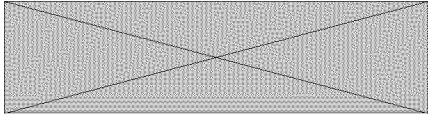
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